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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO
197190.961	11/12/98	NGUYEN	AM-8887-1-020

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EXAMINER

BUEKER, R

ART UNIT

PAPER NUMBER

1763

13

DATE MAILED: 12/05/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 9-11-00  
 This action is FINAL.  
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1 - 30 + 46 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 1 - 30 + 46 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been  
 received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of Reference Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). 7  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 15-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (EP 045088) ,Sivaramakrishnan (EP 0602595) and Siegele (US 5,607,002) in view of Lankford (The Making Shaping and Treating of Steel) or Maruhashi (4,594,114). Nagashima (col. 4, line 36) Sivaramakrishnan (col. 3, lines 50-52 and col. 5, lines 53-54) and Siegele (col. 2, line 11 and col. 23, lines 40-60) all teach the use of stainless steel as a material of construction of semiconductor processing apparatus of the type contemplated by applicants. They do not discuss the amount of nickel in their stainless steel. Lankford and Maruhashi make clear that stainless steel having little or no nickel is common and well known as corrosion resistant material. It would have been prima facie obvious to one skilled in the art to use a low nickel stainless steel in the apparatus of Nagashima, Sivaramakrishnan or Siegele, in the absence of a showing of unexpected results commensurate in scope with the claims.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references cited above, taken in further view of Yamaguchi US 5,520,858) and Stauffer (US 5,252,134). Yamaguchi (Fig.1 and col. 2, line 10) and Stauffer (Figs. 2A and 2B and col. 7, lines 18-45) disclose gas bubblers and boilers for delivering reaction gases to semiconductor processing

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apparatus. It would have been *prima facie* obvious to use low nickel stainless steel as a material of construction for these apparatus also.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Richard Bueker*  
RICHARD BUEKER  
PRIMARY EXAMINER  
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